GERMANY V. PORTER:

PUNISHMENT FIRST, TRIAL AFTERWARDS

Carlos Whitlock Porter

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By Carlos Whitlock Porter

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INTRODUCTION

On April 25, 1995, a former member of the Wehrmacht (not the SS), Reinhold Elstner, burnt himself to death at the Feldherrnhalle in Munich to protest what he called the "Niagara of lies" engulfing Germany.

Astonishingly, the Munich police had the shamelessness to arrest people for placing wreaths on the spot, and to remove all the burn marks with a blow torch. In protest, I sent over 200 copies of NICHT SCHULDIG IN NÜRNBERG, a German translation of NOT GUILTY AT NUREMBERG, a brochure authored by myself, accompanied by a protest letter, one to every important newspaper, magazine and politician in the country, to Helmut Kohl, Richard von Weizsäcker and five others by registered mail, to make sure they got it.

The Mayor of Munich, a certain Christian Ude, got his knickers in a twist and the result was 17 months of so-called "legal proceedings" during which I told them more or less to bugger off. Of course, I was polite about it: I said, "I defy your authority and I refuse to comply with any order to do anything."

For 17 months, the German courts ignored everything introduced by the Defendant, i.e., myself, in reply to the avalanche of subpoenas, summonses, certified letters, certified translations, demands for payment, etc. Jokes, insults, sarcasm, refusals to appear, demands for the production of evidence, irrefutable legal arguments, refusals to pay, etc. were all ignored – like a computer continually displaying the same error message.

Goaded beyond endurance, his back to the wall, the Defendant took drastic, perhaps unprecedented action...

PART I
ORDER OF PUNISHMENT

Certified True Copy Reference no. 8430 Cs 112 Js 11637/96
Mr. Carlos Whitlock PORTER
Address [deleted to protect present occupants]
Belgium
[stamp: Effective as of: Munich, Clerk of the Court]
Born on 6 March 1947 in Pasadena/United States of America, stateless.

ORDER OF PUNISHMENT

Inquiries of the State Prosecutor's Office have revealed the following: In August 1996, with intent to disseminate, you sent a number, which is no longer known ["eine nicht mehr bekannte Anzahl" – a no-longer-known number: Are they admitting they don't know, or do they claim they used to know, but have now forgotten?], of copies of the printed text entitled NICHT SCHULDIG IN NÜRNBERG (NOT GUILTY AT NUREMBERG), in each case [Note: How do they claim to know that? – C.P.], together with a cover letter, to a "no-longer-known number" [!] of persons living in the Federal Republic of Germany.

Thus, in mid-August 1996, from your dwelling in Belgium you sent the printed text in question, together with the cover letter, signed by yourself, to Mayor Christian Ude of the city and state capital of Munich. At least the following passages, mentioned below, from the printed text, entitled NICHT SCHULDIG IN NÜRNBERG, together with the cover letter concerned, deny ["deny" (leugnen): implies bad faith – C.P.] and minimize the mass extermination of the European Jews during the National Socialist regime of violence.

Disputing the mass murders in the concentration camps minimizes the evil of National Socialist injustices. It therefore attacks the dignity and existential basis of the Jewish people, while simultaneously degrading the dignity of the dead who were the victims of the National Socialist regime.

In particular, the above matter involves the following passages from the printed text entitled NICHT SCHULDIG IN NÜRNBERG:

– "The 'documentary evidence' is, of course, a Communist 'War Crimes Report' and the 'death chamber' [sic], of course, are 'steam chambers' " (page 23);

– "Ziereis's 'confession' continues to be taken seriously by Reitlinger, Shirer, Hilberg, and other itinerant peddlers of Holo-Schlock" (page 43);

– "Schirach and Streicher were both taken in by a 'photocopy' of a Hitler document in which he 'confessed' to mass killings (XIV 432 [[476]]; XII 321 [[349]]).

Since Hitler was a genius (X 600 [[671-672]), and since geniuses do not kill millions of people with Diesel exhaust and insecticides which take 24 hours to kill moths (Document NI-9912), it appears that the significance of this document has been overrated. In fact, it is typical Hitler: full of violent language, but short of factual content. Nor is it certain that Hitler was of sound mind in 1945 (IX 92 [[107]])" (pages 59-60);

– "Actually, Zyklon presents a similar problem, in that the liquid must evaporate, and does so slowly unless heated. German technical wizardry and industrial advancement in general renders ridiculous any notion of a 'Holocaust' using insecticide or Diesel exhaust" (page 62).

The passages from the cover letter [a letter of protest sent to a public official in a so-called "democratic" country – C.P.] is worded as follows:

"The fact is that the so-called 'Nazi gas chambers' (which serve as a pretext for the present system of tyranny) never existed. The impossibility of their functioning in the manner described has been repeatedly proven in expert chemical and engineering reports to which our slave masters have no answer. The ruling classes in Germany (as elsewhere) cannot prove the existence of any 'Nazi gas chambers'; they do not even try. All they do is fine and imprison all those who dare to defend the honour of the German people."

[Full text: "Dear Sirs, "I wish to protest the persecution of nationalist sympathizers and Holocaust revisionists in the Federal Republic of Germany, and Austria, including, but not limited to, David Irving, Fred Leuchter, Otto Ernst Remer, Germar Rudolf, Hans-Jörg Schimanek, Gottfried Küssel, Hans Schmidt, and Gerhard Lauck.

"The above mentioned persons were arrested and imprisoned simply for exercising their internationally recognized freedom of speech and opinion. If they had been Jews in the Soviet Union, of course, worldwide outrage would have been deafening. Obviously, 'All Animals Are Equal, but Some Are More Equal Than Others'.

"It is time for the citizens of our 'democratic' Western slave states to speak out whether the Jews like it or not.

"The fact is that the so-called 'Nazi gas chambers' (which serve

as a pretext for the present system of tyranny) never existed. The impossibility of their functioning in the manner described has been repeatedly proven in expert chemical and engineering reports to which our slave masters have no answer.

"The ruling classes in Germany (as elsewhere) cannot prove the existence of any 'Nazi gas chambers'; they do not even try. All they do is fine and imprison all those who dare to defend the honour of the German people. The latest includes arresting people for laying flowers or wreaths on the site where a 75-year old German expelled from the Sudetenland burned himself alive in protest against a deluge of filth and lies which has no parallel in history."] [Reinhold Elstner, in Munich.]

You are therefore guilty [!] of dissemination, in the Federal Republic, of texts (under Section 11, Paragraph 3), denying or minimizing the evil of actions committed under the National Socialist regime, in the manner referred to in Section 220a, Paragraph 1, thereby injuring others in their honour, as well as slandering the dignity of the dead through the same action; and punishable for:

"Popular Incitement" (or "Incitement of the Masses") [Volksverhetzung] [!] [?] identical in law to "Slandering the Dignity of the Dead", according to Section 130, Paragraph 2, Number 1a [copious references, etc., etc., blah, blah, blah] of the Criminal Code.

Method of proof:

1. Confession

2. Printed text entitled NICHT SCHULDIG IN NÜRNBERG (photo 3), with accompanying text (photo 2). Documents: Extract from the Federal Central Registry.

Upon petition of the State Prosecutor's Office, a fine of 150 "daily monetary units" is hereby applied. The daily monetary unit is established at 40 DM. The fine, in total, amounts to 6,000 DM.

Failure to pay will be punished by imprisonment. One daily monetary unit corresponds to one day's imprisonment. You will be responsible for the costs of the proceedings, as well as your own necessary expenses.

Decision: We hereby order the confiscation of all copies of the text entitled NICHT SCHULDIG IN NÜRNBERG, together with all copies of the accompanying text, with return address "Carlos Whitlock PORTER... [Address and telephone number deleted to protect present occupants]"

[Note: What criminal leaves his return address and phone number?],

insofar as such printed texts may be found in the possession of persons active in their distribution, or aiding and abetting in such

distribution, or exposing the same texts to public view, as well as all copies not yet distributed to the intended recipients by mail.

[Note: Are they going to arrest everybody in the post office?]

We further order the confiscation of the above mentioned printed text, together with all plates, forms, typesetting material, negatives, and stencils.

Under application of regulations: Section 74d of the Criminal Code. Munich, 19 Dec. 1996 Zeilinger Judge, Lower District Court Certified true copy [signatures, etc.] Information on legal assistance: You may file an objection against the present order of punishment [Note: Punishment first, trial afterwards!] within two weeks of delivery of the present order of punishment. It may be limited to one specific grounds for objection. If the legal objection is filed within the correct period, a main trial [Hauptverhandlung] will be held [!] unless the Prosecutor's Office drops the case or you withdraw your objections. You may protest against the decision to impose procedural costs and necessary expenditure if the value of those costs does not exceed 200 DM, and IF [emphasis added] you file an objection with the Lower District Court of Munich, IMMEDIATELY, within ONE WEEK of delivery of the present order of punishment, in writing, with the Office.

The objection or complaint may be made in writing, at the Lower District Court of Munich or filed with the office. The written declaration must be in German.

With regard to written declarations: mailing the declaration within the stated period is not sufficient for purposes of compliance. The Court must actually receive the declaration prior to expiration of the stated period for you to comply with the above stated expiration period. Important note: After effectiveness of the order of punishment, you will receive a demand for payment of the monetary punishment (fine), and the costs of proceedings, by means of a pre-prepared payment transfer form, unless you have already paid a deposit in the amount of the fine and costs [!]. Please [!] pay only after receipt of the demand for payment, using the enclosed pre-prepared payment transfer form!

PART II
REPLY TO LOWER DISTRICT COURT

Carlos W. Porter
Address [deleted to protect present occupants]
Belgium
7 January 1997
Judge Zeilinger
Lower District Court,
Justice Building
Nymphenburger Str. 16,
D-80097 MUNICH
Reference no.: 8430 Cs 112 Js 11637/96

Judge Zeilinger,

I hereby object to your order of punishment. I don't recognize your right to try me for anything. I am not a citizen of your "Republik", and what I do in Belgium – a free, sovereign state – is none of your business. I must inform you that the German occupation of Belgium ended over 50 years ago. If you, in the so-called Bundesrepublik Deutschland, are of the opinion that certain goods ought not to be sent into the Bundesrepublik, then you must inform all the Member States of the World Postal Union, with an exact description of the excluded goods. An inquiry with the local post office reveals that no such communication exists. Your order of punishment is a basic violation of the freedom to engage in research, which is also guaranteed in the Basic Law of the Bundesrepublik Deutschland, and is furthermore anchored in the European Convention on Human Rights. Treaties of the European Union moreover guarantee the free exchange of goods within the scope of the Union. Goods which can be freely sold in England cannot be excluded from sale in Germany just on your whim. That is the responsibility of the European Commission. You appear to suffer from a fundamental misunderstanding in this regard: we have not a German Europe, but rather (at least, in theory) a European Germany, which claims to be a civilized country. Maybe you feel better in the company of Burma and China. You have left the field of law, and abandoned yourself to pure whim. Your "trial" is not much different from many "trials" held in the Third Reich...

– "The 'documentary evidence' is, of course, a Communist 'War Crimes Report' and the 'death chambers' (not 'death chamber', as you say), of course, are 'steam chambers' " (page 23) [deleted references: III 567-568 [632-633]].

You really don't seem to understand what you read. It's not me who says that the "death chambers" were "steam chambers", it's the above mentioned Communist Commission of the USSR [actually, of Poland, Document PS-3311]. In that case, don't you think you really ought to send your "order of punishment" someplace else? Or have the "steam chambers" now become "proven fact", just like having sexual intercourse with the Devil was a "proven fact" during the Middle Ages?

– "Ziereis's 'confession' continues to be taken seriously by Reitlinger, Shirer, Hilberg, and other itinerant peddlers of Holo-Schlock" (page 43).

Since when are the contents of this document considered to be "proven fact"? Do you possess the specialist factual knowledge required even to express an opinion on it? Obviously not.

– "Schirach and Streicher were both taken..."

The text contains a series of references to the documents of the Nuremberg War Crimes Tribunal. If you don't like these documents, you should at least familiarize yourself with them first. That "geniuses do not kill millions of people with Diesel exhaust and insecticides which take 24 hours to kill moths" is a fact you can hardly dispute. Or do you think that's something a genius would do? I don't. It's not me who says Hitler was a genius, maybe he wasn't. If you were to familiarize yourself with the use of indirect speech in the German language, you would understand when a statement is being attributed to somebody else. The text contains over 1,000 exact references to transcript pages from the IMT. You can look them up and read them.

– "Actually, Zyklon presents a similar problem..."

That this problem arises in any explanation of the gassing procedure can hardly be disputed – or don't you know anything at all? That's why so many attempts to explain it have been made in recent years. See, for example, J.-C. Pressac. If you still think people can be killed with insecticides and Diesel exhaust, I suggest a practical experiment. I will gladly and voluntarily serve as the guinea pig. Such a procedure could in no way have corresponded to the technical development of that time. IF 6 million Jews were gassed (or was it 8, 12, or 45 million, as claimed in some statements), then it must have

been done using some other method. The extract quoted above contains no opinion as to WHETHER 6 million Jews were gassed.

COVER LETTER

The cover letter is not "dissemination". Rather, it is a letter to Mayor Ude. I can write him a letter and say anything I want. Or are private letters now subject to censorship, too?

I firmly protest against the very notion that efforts to discover the truth constitute "Popular Incitement" (or "Incitement of the Masses") [!] [?]. Even if I'm wrong, I have the right to attempt to approximate historical truth. I even have the right to be wrong!

That efforts to discover the truth can be considered "slander" belongs to the mental world of the Middle Ages.

For your information, I enclose the German translation of an article from a famous Danish newspaper ("*Information*"), in which a Danish scholar refers to the lack of freedom of research in Germany. It looks as if Germany is quickly becoming a blot of shame on the map of Europe.

I FURTHER PROTEST AGAINST THE CONFISCATION OF THE BROCHURES

Dr. Goebbels was a rank amateur in this area. He burnt a few books in public. You burn them by the ton – but in secret! Dr. Goebbels could really learn a lot from you! The brochure is now available in 6 languages (English, German, French, Spanish, Italian, Portuguese). [Since recently, it is available in Russian and Romanian as well.] So you've got a big job ahead of you. Why don't you invade the country and send in a squad of border police? Of course, you'll have to take all the copies of MADE IN RUSSIA – THE HOLOCAUST back with you at the same time. This 400-page book contains almost nothing but documents from the International Military Tribunal – "proven facts", like steam chambers, electrical chambers, vacuum chambers, mass killings with quicklime and atomic bombs, pedal-driven brain-bashing machines, and portable crematory ovens; not to mention, of course, the description of all sorts of objects made of human hair, fat, skin, bones, etc.

Oh yes, the murder of the Polish officers at Katyn is in there too, which the Germans were accused of, but which the Russians confessed to in 1989...

I FURTHERMORE OBJECT TO IMPOSITION OF THE PROCEDURAL COSTS

I must further inform you that the European Convention on Human Rights (Article 6, Section 3(a)-(c)) requires you to send me all documents in my own language (English), so that I don't have to have everything translated [joke]. If I miss the deadline, then the fault for breaking the regulations lies with you.

I further demand a court-appointed lawyer for any further proceedings.

If you think I am afraid of you, you've got another think coming. People like you are swept away by history. Oh, I almost forgot. The statute of limitations for the whole matter has already expired. I sent the first brochure in February.

[signed]
Carlos Porter

PART III
SUBPOENA – REVISIONISM

Lower District Court, Munich Division for Criminal Cases and Fines
Reference no.: (please indicate in all correspondence!) 8430 Cs 112 Js 11637/96
Lower District Court, 80097 Munich

Mr. Carlos Whitlock PORTER
Address [withheld to protect present occupants]
Belgium

x/ Marked as applicable 8-097 Munich 27 Feb. 1997
Justizgebäude Nymphenburger Strasse 16 Room
Telephone (0 89) 55 97-4353 [deletions]
Fax: (0 89) 5597 4428 (Criminal Court)

SUBPOENA

(Please bring this subpoena with you to the appointment.)
x/ Criminal case Versus: Porter Carlos For: "Popular Incitement" (or "Incitement of the Masses") [!] [?]

Dear Mr. Porter,

On the basis of your objection you are summoned to a main trial on: Tuesday / Day, month, year / Time / Above mentioned building / Room no.: Tuesday, 25 March 1997 14:00 A 224

You may also be represented by a lawyer with written power of attorney. If neither you nor a defence attorney with written power of attorney to defend you appears, and if such absence is without sufficient justification, your objection will be rejected without consideration.

Applicable only if checked! x/ The Court has ordered your personal appearance. This order must be obeyed even if you are represented by a defence lawyer.

You must bring the evidentiary material listed on the reverse page with you. You may apply to the court to examine additional witnesses and experts, or to produce further evidentiary material,

stating any facts with regard to which any evidence is to be adduced. You may also bring any witnesses and experts whom you wish to be examined, along with you to the main trial; you must, however, notify the Court of their names and addresses immediately. Should you be able to show that you are unable to pay the travel costs out of your own funds, you may apply for an indemnity for travel costs, and file it with the above mentioned court, or, in urgent cases, with the Lower District Court with jurisdiction over your place of residence. Respectfully, [name, signature]

Public transport connections: underground, streetcar; stop at Stiglmaierplatz. AG No. 788c/E AGM Abt. 8-113.5 (9.93) StP 206: subpoena for a defendant who has objected to an order of punishment (Sections 411, 412, 329 of StPO) (2.88).

[reverse page]
Indication of evidentiary material:
1. Witnesses
2. Experts
3. Documents
4. Other evidentiary material

[third page]
[letterhead, addresses, etc.] Certified True Copy 80097 Munich, 28 Jan. 1997
In matter of: Trial of Carlos Porter for “Popular Incitement” (or “Incitement of the Masses”) [!] [?]

DECISION

The application of the defendant dated 7 January 1997 for a court-appointed lawyer is hereby rejected.

GROUNDS

The prerequisites of Section 140, Paragraph 1 of StPO are not present. Neither is the defendant accused of a felony, nor has he been confined in prison for at least 3 months with the authorization of a judge, or by court order.

Such appointment on the basis of Section 140, Paragraph 2 of StPO must also fail. Neither does the cooperation of a defence attorney appear to be required due to the “severity of the offence”, nor the “complexity of the technical and legal situation”. Nor is it apparent that

the defendant is incapable of acting in his own defence.

[signed: Zeilinger] Judge,
Lower District Court
Certified True Copy With original document
Munich, 27 February 1997 Lower District Court
[name, signature] Clerk of the Court

* * *

[Note: The defendant disputed the court's jurisdiction in a letter dated March 10 1997, and refused to appear. The "trial" was held in absentia on March 25, 1997.]

Judge Zeilinger
[address] [references]
10 March 1997

Judge Zeilinger,

With regard to your subpoena of 22 May: Without prejudicial admission, waiver, and with all due reserves:

I do not recognize your jurisdiction.

I do not recognize the legality of your order of punishment.

I do not recognize the legality of your subpoena.

I do not recognize the legality of your laws curtailing freedom of speech, freedom of the press, freedom of opinion, and freedom of expression.

I do not recognize the legality of being asked to produce evidence when every single one of my defence witnesses and experts is either currently in prison, or is a fugitive from justice, for the "crime" of expressing their internationally recognized freedom of expression, and when every one of their expert opinions and books, have, without exception, been banned, confiscated and burnt.

I demand all documents in English according with Article 6, Section 3(a)-(c) of the European Human Rights Convention.

I demand an indictment based on facts, not opinions and conclusions, so that I may know the exact nature of the charges against me.

I demand to know point by point, sentence by sentence, document by document, reference by reference, exactly what you object to in every single one of the sentences quoted against me, as well

as in any other sentence which may be quoted against me, so that I can know exactly what is being alleged against me in order to enable me to prepare my defence.

I demand to be supplied with all documents, evidence, and a list of all witnesses upon which/whom you intend to rely in proving your case.

I demand a continuance of the trial date so that I can study German law.

I demand to appeal your decision to deny me a lawyer.

I demand to be supplied with any and all exculpatory evidence in your possession.

I refuse to accept any burden of proof in this matter whatsoever. The burden of proof is on you, not me.

I am not familiar with the legal systems of Third World dictatorships.

Faithfully,
Carlos Porter

PART IV
TRANSLATION OF JUDGEMENT:
REVISIONISM, FAILURE TO APPEAR

[The document is a printed form with a few blanks filled in by typewriter.]

Copy
Reference no. 8430 Cs 112 Js 11637/96
(Please indicate reference in all correspondence!)

IN THE NAME OF THE PEOPLE!

JUDGEMENT
of the Lower District Court of Munich

In the criminal case against Carlos Whitlock PORTER
For "Popular Incitement" (or "Incitement of the Masses") [!] [?]
Based on the main trial held on Tuesday, 25 March 1997 with the participation of the following persons:
Judge AG Zeilinger as Criminal Judge
Prosecutor GrL Fügman as Public Prosecutor
Jr. Sec. Urmann as Clerk of the Court.

The objection [singular] of the defendant against the order of punishment of the Lower District Court Munich dated 19 Dec. 1996 is hereby rejected.

The defendant must bear the costs of the proceedings.

Grounds: see reverse!

No. 484 c / E Stp AGM Abt. 8-11 5.4 (11.94) StP 208 (with StP 137)

Copy of judgement with legal remedies in the event of rejection of objection against order of punishment due to absence of defendant (Sections 412, 329 of StPO) (4.87)

[reverse page]

Grounds: The defendant raised objections in due time against the order of punishment indicated in the statement of judgement.

The subpoena for the trial, held today, which contained information as to the consequences of absence, or absence without sufficient excuse, was duly delivered on: 3 March 1997.

The defendant was absent without justification, or with insufficient justification, and was not represented by a lawyer with signed power of attorney.

The objection must therefore be rejected under Sections 412, 329 of StPO [Criminal Trial Regulations].

The cost of the proceedings is based on Sections 465 of StPO.

Signed,
Zeilinger
Judge of Lower District Court
Certified True Copy
Place, date: Munich, 3 April 1997
Urmann Legal Secretary Clerk of the Court [stamp]

Legal Remedies (StP 137)

I. 1. You may, within ONE WEEK of delivery of the judgement, apply for restoration of the previous situation, if you were unable to appear at the proper time through no fault of your own. Application for restoration of the previous situation must be made within the indicated period at the Lower District Court indicated on the reverse, stating the grounds for absence. Justified absence must be proven, either in the application or during proceedings to the application.

2. You may dispute the judgement handed down against you, either singly, or together with application for restoration of the previous situation, by means of appeal [BERUFUNG] or Review [REVISION]. Any filing of Appeal or Review not accompanied by application for restoration of the previous situation will be considered waiver of restoration (Section 315, Paragraph 3, Section 342, Paragraph 3 of the Criminal Trial Regulations [StPO]).

3. Appeal, in the above case, may only be justified on the grounds of insufficient justification for rejection of your objection, in particular, due to unjustified absence. Review may only be asserted on the grounds that the judgement is based upon a violation of the law.

4. If you wish to dispute the judgement, you must, within ONE WEEK of delivery of the judgement (appeal period), make an oral application to be taken down in writing, before the Clerk of the Lower District Court indicated on the reverse (for Appeal), or an application in writing to the judicial officer (for review), stating that you are filing for

either Appeal or Review, according to your choice.

II. 5. If you have filed for appeal, you are free to state your grounds for so doing within TWO WEEKS of delivery of the judgement. The grounds must be stated in writing to the Court, or orally to the Clerk of the Court, to be taken down in writing.

6. If you have filed for Review, delivery may be made to you by means of public delivery through proclamation by publication in the newspaper, or by posting on the notice board of the Court, especially when delivery of sentence is not possible where it was last made, or at the last address indicated by you.

7.1. If neither you, nor, in the cases in which this is permissible, a lawyer with power of attorney, is present at the beginning of the main trial, and if such absence is without sufficient justification, the Court is fundamentally bound to reject the Appeal without a hearing.

7.2. If, in the circumstances indicated above, the prosecution has filed an appeal, proceedings may take place in your absence. The prosecution may also, under such circumstances, drop the appeal, even without your consent.

7.3. If proceedings are not taken under 7.1 or 7.2, the Court may order your appearance or arrest.

8. If you have filed for Review, you MUST state the grounds. This requires a statement as to:

a) whether the judgement is being disputed as a whole or only in certain parts, and whether application is being made to reverse it in whole or in part (applications for Review), AND

b) whether the judgement is being disputed on the grounds of violation of substantive (material) law, or on the grounds of violation of the procedural regulations (grounds for Review); In the latter case, the application must state the facts which are alleged to have resulted in impermissibility of the rejection of your objection.

9. A document signed by yourself is NOT sufficient for statement of the grounds for Review. Applications for Review, stating the grounds for the same (no. 8), must be made orally to the judicial officer to be taken down in writing, or filed in a document signed by a defence attorney or lawyer. This must take place within ONE MONTH after expiration of the appeal period (no. 4).

III. 10. For written declarations, it is not sufficient, for purposes of compliance with the appeal period, that such written declaration be posted within the appeal period. Compliance with the appeal period is only present when the declaration is actually received by the Court before expiration of the period. Application for legal remedy must be filed in the German language.

PART V
OPINION OF GERMAN DEFENCE ATTORNEY

[Appeal was filed by fax at 2:00 A.M. on 14 April 1997.]

[Translator's note: In the following translation, I have taken the liberty of referring to "Germany" as "Nigerimania" – a combination of Germany and Nigeria – throughout, as it seems to be called for.]

[EXCERPTS FROM OPINION]
[name of lawyer withheld]

3 June 1997

As agreed, I have examined the files in your case and am able to report my general opinion as follows: On 16 August 1996, you sent a letter written in Nigerimanian – whether you were actually the author may remain open – to the Mayor of Munich (among others?), enclosed with the brochure "Not Guilty at Nuremberg". From the file, it appears that the Mayor of Munich, Christian Ude, by letter dated 20 August 1996, forwarded both your letter and the brochure to the State Prosecutor, with the request "to examine both for their criminal content and, if applicable, to take suitable steps".

It doesn't take much intelligence to see that both, i.e., your letter and the brochure, are in violation of present Nigerimanian law (it is obvious that I need not undertake to evaluate the contents personally). The responsible State Prosecutor, in any case, applied for a corresponding Order of Punishment (in practice, this is an indictment which, if no objection is filed, then becomes the equivalent of a legally effective conviction. Orders of Punishment are used chiefly in cases of minor importance). This Order of Punishment was duly delivered to you in Belgium, accompanied by the proper information as to legal remedies.

By letter of 7 January 1997, you filed an objection within the proper period, and further demanded the appointment of a court-appointed lawyer. The court rejected this in a decision dated 28 January 1997. It appears doubtful to me whether this rejection was correct; in any case, you are a foreigner, and it is doubtful whether such a foreigner possesses sufficient knowledge of Nigerimanian law to be

able to defend himself properly.

The question of whether the above mentioned decision was technically correct may, however, remain open. For your part, at any rate, you made no use of the opportunity to file a complaint against that decision. [!]

One might also state here that the situation is now out of date, due to the further progress of the matter.

Unfortunately, I cannot spare you the reproach that, even after learning of this decision, you did not bother to consult a Nigerimanian lawyer – which was obviously still possible later, in the form of my intervention. If this had occurred, the further progress of the matter would have been as follows: the defence lawyer would have informed the Court that he was representing you, and then applied for and received permission to look at the file.

The subpoena to the Main Trial on the grounds of your objections – which you filed within the required period! – would have been sent to your attorney as well as to yourself. This would therefore have excluded the possibility of what has, in fact, unfortunately occurred due to inaction on your part: namely, that you missed the court date, without an appearance by yourself or your defence attorney, resulting in the rejection of your objections (which must follow under Nigerimanian law).

In a letter dated 10 March 1997, you nevertheless (interestingly, in English) acknowledged the contents of the subpoena, and disputed the jurisdiction of the court. At this moment, at the very latest, you should have attempted to engage a Nigerimanian lawyer in the case (this was obviously still possible later, otherwise the matter would not have landed with me). On 25 March 1997, however, neither you nor your attorney was present; the Court was therefore required by Nigerimanian law to reject your objection – which was filed within the required period! – by corresponding judgement under Sections 412, 329 of the Code of Criminal Procedure.

This decision was delivered to you on 7 April 1997. By fax on 13 or 14 April 1997, you filed for appeal and/or review against the judgement – within the required period. According to Nigerimanian law, you also had the possibility, within one week of delivery of the judgment, of alleging that you were unable to appear in court on 25 March 1997 through no fault of your own (for example, illness, car trouble, etc.), i.e., application for “restoration of the previous situation”. You didn’t do this either. No grounds for any such claim are to be inferred from your letter to the Court, nor your correspondence with me, nor the fax from Mr. Zündel, dated 13 April 1997, which lies

before me.

On 28 May 1997, I received a subpoena for an Appeal Trial on Friday, 1 August 1997, at 12:30 A.M. in Munich (see enclosure). The question arises of whether it makes any sense for us to take advantage of this court date. This must, in my view, be answered in the negative. In particular, the Appeal Trial will not examine the matter itself – that is, whether your written statements actually violate the applicable provisions of law – but rather, only whether the Court, in session on 25 March 1997, rightfully rejected your objections. Unfortunately, this must be answered in the affirmative. I therefore see no sense in taking advantage of the appeal court date, thus producing further costs which could be avoided.

Rather, I recommend that you withdraw your appeal.

The result of the above would be that the Order of Punishment, which has already been issued against you, would become effective in law (and would therefore be equivalent to a conviction). This would mean that you would have a prior conviction under Nigerimanian law for the acts for which you stand accused, and would have to pay the fine mentioned in the Order of Punishment, in the total amount of 6,000 DM [plus costs]. The normal procedure in the matter is that, some months after legal entry into effect, you would receive a demand for payment from the State Prosecutor of Munich.

Let us assume that you are not prepared to pay the fine, and furthermore, that the fine cannot be forcibly collected in Belgium. Then, at best, a demand would be issued to you in Belgium by the Nigerimanian Prosecutor's Office to appear in Nigerimania to serve the alternative period of imprisonment (150 daily monetary units, i.e., 150 days imprisonment). It is not known to me whether you would be able to serve the time in a Belgian prison.

[Note: I would.]

Should you disobey the subpoena and fail to appear for imprisonment, a warrant would be issued for your arrest, which would mean that if your identity documents were to be examined upon crossing the border into Nigerimania, you could be arrested to serve the prison sentence.

Whether the Nigerimanian authorities could apply for your extradition to Nigerimania under international law to serve the prison sentence in Nigerimania, I don't know. You could, of course, avoid this risk entirely by paying the fine, which would naturally be possible in instalments (upon sufficient showing of need for this purpose).

As you may gather from the above remarks, the problem is not whether you filed an objection against the judgment of 25 March 1997

with the required period – you did so. The problem is rather, whether such an appeal could examine the grounds for the Order of Punishment itself. This must be answered in the negative, since you didn't appear for trial. If you should argue that you lacked a sufficient understanding of the Nigerimanian legal documents, it must be remarked that the indicted letter to Mayor Ude was written in Nigerimanian, as well as your lengthy letter to Judge Zeilinger dated 7 January 1997 (I assume that you didn't write it). In view of the above, it appears remarkable that you should attribute any misunderstandings or failure to appear to defective knowledge of the Nigerimanian language – as you did in your letter to the court dated 10 March 1997.

For purposes of completeness, I must furthermore state that, in concluding your letter to the court dated 7 January 1997, you mention the question of the statute of limitations – if this has any application at all [Note: So does it, or doesn't it?], this would apply only to the book, but not to the letter to Mayor Ude. You may however "console" yourself with the thought that I would have estimated your chances of acquittal – even if you had appeared on the court date on 25 March 1997, i.e., even if there had been no negligence on your part – as extremely slim (you must, of course, be aware of Nigerimanian practice in similar cases).

[Note: I am. That's why I didn't appear, and that's why I didn't bother with a lawyer.]

As a result, I can only recommend that you withdraw the appeal in order to save further costs. In the event that you wish to become acquainted with Nigerimanian justice personally, and wish to appear in Munich on 1 August 1997, I will be glad to appear as well.

I am sorry to have nothing further to report to you, and hope that you have no further contacts with Nigerimanian justice, or, if you do, that you have at least learned from this case to bother with a Nigerimanian lawyer within the required period. [Note: What for?]

Please let me have your instructions as to whether you wish to withdraw the appeal or not. If you decide to withdraw, you should, of course, not do so a few days before the court date, but rather, within the required period. [deletions]

Postscript: As you may see from the enclosure, which just reached me by fax, the court has ordered your personal appearance on 1 August 1997. Enclosures: subpoena, etc.

[Nigerimanian bright spark then resigned as defence attorney. A new subpoena was received dated 22 May 1997.]

PART VI
ANSWER TO SUBPOENA OF 22 MAY 1997

Richter Ulrich
Landgericht München I
Justizgebäude
Nymphenburger Strasse 16
D-800335 München
Spa, 1 July 1997
Landgericht München Az. 18 Ns 112 Js 11637/96
Fax: (089) 55 97 43 54

BY REGISTERED MAIL AND FAX

Judge Ulrich,

With regard to your subpoena of 22 May: Without prejudicial admission, waiver, and with all due reserves:

I do not recognize your jurisdiction.

I do not recognize the legality of your order of punishment.

I do not recognize the legality of your subpoena.

I do not recognize the legality of your laws curtailing freedom of speech, freedom of the press, freedom of opinion, and freedom of expression.

I do not recognize the legality of being asked to produce evidence when every single one of my defence witnesses and experts is either currently in prison, or is a fugitive from justice, for the "crime" of exercising their internationally recognized freedom of expression, and when every one of their expert opinions and books, have, without exception, been banned, confiscated and burnt.

Article 10 guarantees freedom of opinion. A decision of the European Court of Justice in Strasbourg ("Notary X" case, Hugo Gijsels and Leo de Haes, February 1997), states that "an opinion need not be proven, or even susceptible to proof".

Article 6 of the European Human Rights Convention guarantees a fair trial before an impartial judge.

I refuse to appeal.

I refuse to appear.

I take no interest in the illegal decisions of a kangaroo court

plying its trade in a foreign totalitarian dictatorship.

If you fine me, I will not pay it.

If you put me in prison, I will go on hunger strike like Bobby Sands.

I shall speak and write the truth as I see it whether you or anyone else likes it or not.

Faithfully,
Carlos Porter

* * *

[The defendant then received another subpoena, translated into English, dated 22 August 1997, identical to the others, except that "*advocacy of violence*" had been arbitrarily added to the list of crimes for which the defendant stood accused.]

CERTIFIED TRANSLATION
FROM GERMAN INTO ENGLISH

[deletions]

Criminal case against Carlos W. Porter regarding incitement to hatred and violence [!!] against segments of the population [sic].

Dear Mr. Porter,

You are summoned for the hearing of your appeal on weekday month/day/year/time above mentioned building Friday October 10, 1997 2:00 P.M., Court room n. A 208/II

At the hearing you may be represented by a defending counsel on the basis of a written power of attorney.

Your appeal will have to be dismissed without hearing the case, if at the beginning of the hearing you neither appear personally nor by counsel with a written power of attorney and if there is no reasonable excuse for your absence.

At the hearing the evidence shown below will be presented

[Note: Blank space – no evidence indicated].

You may request the Court to summon further witnesses and experts or to procure other evidence, stating in your request the facts about which evidence shall be taken. You may also bring with you to the hearing any witnesses or experts whom you want to be examined,

however, you have to inform the Court immediately about their names and addresses

[Note: No doubt so the court can arrest them and burn their books].

If you should not be able to pay for the travelling expenses out of your own resources and furnish proof thereof, you may submit an application for a travelling allowance to the above-mentioned Court or, in urgent cases, to the Local Court competent for your place of residence.

Yours faithfully,
signed: Weingart
Court employee Clerk of the Court's office

LIST OF EVIDENCE

Documents: [blank] [!]
Other evidence: [blank] [!]

In my capacity as sworn translator for the English language duly registered with the Regional Court Munich I, I confirm: Foregoing translation of the document, drafted in German language and presented to me in the original, is correct and complete [!].

Munich, August 25, 1997. [stamp]

PART VII
REPLIES TO SUBPOENA OF 22 AUGUST 1997

Richter Ulrich
Landgericht München I
Justizgebäude
Nymphenburger Strasse 16
D-800335 München
Spa, 1 September 1997
Landgericht München Az. 18 Ns 112 Js 11637/96
Fax: (089) 55 97 43 54

BY REGISTERED MAIL AND FAX

Judge Ulrich,

Without prejudicial admission, waiver, and with all due reservations. With regard to your summons translated into English and dated 22 August 1997: If you really want to prove something, you can produce the following physical evidence from the official Nuremberg trial record, accompanied by proof of origin and authenticity thereof:

– 1 steam chamber for the extermination of human beings (IMT XXXII 153-158, III 567);

– 1 electrical chamber for the extermination of human beings (IMT VII 576-577, XII 369);

– 1 German atomic bomb for the extermination of Auschwitz inmates (IMT XVI 529);

– 1 tree used as murder weapon by Wehrmacht (IMT VII 582);

– 1 portable oven used for the extermination of Russian prisoners of war (IMT VII 586);

– 1 pedal-driven brain-bashing machine used for the extermination of Russian prisoners of war (IMT VII 376-377);

– 1 bone-grinding machine (IMT VII 439, 446, 549-550, 593);

– 1 spanking machine (IMT VI 213);

– 1 lampshade of human skin (IMT XXXII 258, 259, 261, 263, 265, 269);

– 1 pocket book of human skin; 1 pair of driving gloves of human skin (IMT XXX 352, 355);

– 1 pornographic picture painted on canvas of human skin (IMT XXX 469);

– 1 book bound in human skin (IMT VI 331);

– 1 saddle, 1 pair of riding breeches, 1 glove, 1 house slipper, 1 ladies' handbag, all of human skin (IMT V 171);

– 1 torture box disguised as an ordinary wardrobe (IMT XVI 561, 546, 556-557);

– 1 chair stuffed with human hair (IMT XIX 506);

– 1 pair of booties of human hair (IMT XXXIX 552-553, XX 353

– 1 jar of human soap (IMT VII 597-601);

– 1 piece of tanned human skin (IMT VII 600);

– 1 gas van (IMT VII 571);

– 1 doormat of human hair (NMT V 1119-1152, Trial of Oswald Pohl).

I am not interested in the appeals procedures of a foreign totalitarian dictatorship.

I refuse to appeal.

I refuse to appear.

If you fine me, I won't pay it.

If you put me in prison, I will go on hunger strike like Bobby Sands.

The burden of proof is on you, not me.

Faithfully,
Carlos Porter

* * *

Richter Ulrich
Landgericht München I
Justizgebäude
Nymphenburger Strasse 16
D-800335 München
Spa, 5 September 1997
Landgericht München Az. 18 Ns 112 Js 11637/96
Fax: (089) 55 97 43 54

BY REGISTERED MAIL AND FAX

Judge Ulrich,

In addition to production of the physical evidence mentioned in my fax of 1 September (for example:

1 “steam chamber” for the extermination of human beings,

1 German “atomic bomb” for the extermination of Auschwitz inmates,

1 “pedal-driven brain-bashing machine” for the extermination of Russian prisoners of war, etc),

I demand production of the following documentary evidence:

a) all data in your possession relating to Hitler’s I.Q. (Point 3 of the indictment);

b) a clarification of whether you agree with Wilhelm Keitel’s assessment that Hitler was a genius (Point 3 of the indictment), and that mass murder with Diesel exhaust and insecticide is therefore the act of a genius; or, alternatively, a clarification that you consider Hitler to have been an idiot, which would explain the use of Diesel exhaust and insecticide for mass killing;

c) the original of the “Hitler mass murder confession” (Point 3 of the indictment), since you object to my statement that the document is a “photocopy”;

d) a clarification of whether or not you agree with Field Marshal Milch’s assessment that it is unclear that Hitler was of sound mind in 1945, accompanied by all data in your possession relating to Hitler’s mental health in 1945 (Point 3 of the indictment).

I must point out to you that denial of the existence of “steam chambers for the extermination of human beings” (Point 1 of the indictment) is not a crime under German law, since nobody believes that they existed. If you wish to prove that the “steam chambers” did exist (along with the German “atomic bombs” and “brain-bashing machines” also referred to in the text which is the subject of the indictment), I demand that you produce a “steam chamber” and bring it to court, proving the authenticity and origin thereof.

When you have assembled the prosecution evidence which will be required to prove your case, I shall consider preparing a defence. I refuse to reveal the whereabouts of my witnesses, because you will arrest them; you already burnt their books, remember?

Faithfully,
Carlos Porter

PART VIII
REPLIES TO COURT JUDGEMENT OF 23 OCTOBER 1997

[On 3 November, the defendant received a judgement from the State Court of Munich dated 23 October 1997 acknowledging receipt of the defendant's demands for evidence and for clarification of the charges against him, accompanied by his express refusal to appear, but without comment.]

[Excerpts]

...The subpoena was then delivered to the defendant on 29 August 1997, accompanied by a translation into English [Note: This is not true: the translation was not accompanied by any original document], by registered mail with return receipt, at his residence in Belgium. He signed for the contents in his own hand. The accused then sent the Court two letters written in English, dated 1 September 1997 (received by the Court on 29 August 1997) [Note: This is not true; it was sent by fax at 40 minutes past midnight on 31 August/1 September, and again at 9:18 in the morning] and 5 September 1997 (received by the Court on 4 September 1997) [Note: Sent by fax at 4:06 P.M. on 4 September].

In both letters, the accused referred to the merits of the case [!] and ended his letter dated 1 September 1997 stating among other things that he would refuse to appear. [!] On 10 October 1997, when the case opened at 2:16 P.M., neither the accused, nor any defence counsel for the accused, was present. [!] No excuse was received from the accused before opening the case. Even during the main trial, which lasted until 2:45 P.M., no such excuse was received by the Court, either in writing or by telephone. This was confirmed by the Court's Office of the 18th Criminal Division upon subsequent inquiry...

[The judgement then describes the Court's great consternation and astonishment at the defendant's failure to appear, providing lengthy information as to legal remedies relating to justified absence, erroneously asserting the jurisdiction of the Court under Article 52, Paragraph 1 of the Schengen Implementing Agreement, and giving the defendant one week in which to assert the defence of justified absence, in which case the whole comedy would start all over again!]

Legal Remedies (StP 137) [small print]

I. 1. You may, within ONE WEEK of delivery of the judgement, apply for restoration of the previous situation, if you were unable to appear at the proper time through no fault of your own....

[What can one do with such stupidity? There was only one thing to do, and the defendant did it.]

* * *

REPLIES TO COURT JUDGEMENT OF 23 OCTOBER 1997

Richter Kunert
Landgericht München I
Justizgebäude
Nymphenburger Strasse 16
D 80335 München
Spa, 5 November 1997
Landgericht München Az.
18 Ns 112 Js 11637/96
Fax: (089) 55 97 43 54

BY FAX

Judge Kunert,

May it please the Court:

I was unable to appear for trial on October 10th 1997 due to severe cranial injuries and concussion sustained while experimenting with the pedal-driven brain-bashing machine used in the murder of 840,000 Russian prisoners of war at Sachsenhausen Prison Camp, as described in the Nuremberg Trial transcript (IMT VII 376-377 [416-417 of the German transcript]).

We know that the "pedal-driven brain-bashing machines" existed, because they are described in the "confessions" of SS man Paul Waldmann (Document USSR-52).

The document is a typeset "War Crimes Report" written by the Soviets. The "confession" is typeset in Russian, with a typeset "signature" by Paul Waldmann, also in Russian.

We know that the "confession" was voluntarily given, because it says so. We know that the document is authentic, because it is "certified" by the Russians as a "certified true copy". My injuries are

attested to by a "doctor's certificate" retyped by myself. The signature is typewritten because it is a "certified true copy", certified by myself.

If this kind of thing is good enough for the Nuremberg tribunal, then it is good enough for you.

Please notify me of my next trial date, so that I may appear as soon as you have assembled the evidence required to prove your case, as described in my letters of 1 September and 5 September 1997.

Faithfully,
C.W. Porter

* * *

Richter Kunert
Landgericht München I
Justizgebäude
Nymphenburger Strasse 16
D 80335 München
Spa, 7 November 1997
Landgericht München Az.
18 Ns 112 Js 11637/96
Fax: (089) 55 97 43 54

BY MAIL

Judge Kunert,

Having recovered from the cranial injuries referred to in my fax of 5 November, I have the following statement to make: If you think you can intimidate me by asserting your jurisdiction with reference to Article 52, Paragraph 1 of the Schengen Implementing Agreement, you are very much mistaken.

I have the complete Schengen Implementing Agreement right in front of me. It contains no mention whatsoever of any of the crimes for which I stand accused. It contains nothing which supersedes Articles 6 and 10 of the European Convention on Human Rights.

The Schengen Implementing Agreement contains nothing restricting freedom of expression in any manner whatever.

There is no mention of the "crime" of writing a protest letter to an elected official in a so-called democratic country. There is no reference to the "crime" of "Popular Incitement" (or "Incitement of the Masses") [!] [?]. I am not an escapee from a German jail (Article 41,

Paragraph 1). You are not engaged in the "cross-border hot pursuit" of a person detected in the act of committing "murder, manslaughter, rape, arson, counterfeiting, aggravated theft, receiving stolen goods, robbery, extortion, kidnapping and hostage taking, trafficking in human beings [Menschenhandel], narcotics dealing, firearms and explosives violations, causing explosions, illegal traffic in toxic or hazardous wastes", or even "hit-and-run driving resulting in death or serious injury" (Article 41, Paragraph 4a).

Article 40 of the Schengen Implementing Agreement permits you to enter Belgium and place me under observation, with written permission from the Belgian authorities, upon suspicion of an "extraditable felony", particularly "murder, manslaughter, rape, arson, counterfeiting, aggravated theft, receiving stolen goods, robbery, extortion, kidnapping and hostage taking, trafficking in human beings, narcotics dealing, firearms and explosives violations, causing explosions, illegal traffic in toxic or hazardous wastes" (Paragraph 4). You are not permitted to enter my dwelling, or to interrogate or arrest me (Paragraph 1, e and f).

The Schengen Implementing Agreement contains no provision for extradition for political offences (see Articles 50, 59 and 63). The "offence" was committed in Belgium (Article 6, Paragraph 2 of the Benelux extradition treaty. There has never been a trial for this offence in Belgium; see Article 8). I have an absolute right to a jury trial in Belgium, and to do the time in a Belgian prison. There is no international treaty dealing with revisionism or "Holocaust denial".

I defy your authority and I refuse to comply with any order to do anything.

A "trial" in which the court has no jurisdiction; in which the prosecution offers no evidence, and refuses to clarify the nature of the charges (particularly, Point 3 of the indictment, which is a complete mystery to me); in which the defendant is permitted to offer no evidence; in which defence witnesses are routinely arrested and all defence evidence routinely burnt, is not a trial at all. It is a form of social, political and legal terrorism.

The Schengen Implementing Agreement, to which you refer, is intended, in part, to combat international terrorism. Perhaps you should take a look at yourself.

Faithfully,
C.W. Porter

PART IX
HOLOCAUST MUSEUM OF STUPIDITY: NOW OPENING AT A LOCATION NEAR YOU

[On 5 December 1997, the court rejected the defendant's defence of justified absence due to pedal-driven brain-bashing-machine-induced injuries, partly on the grounds that he had failed to specify the exact date of his injury! How stupid can you get? He was given one week in which to object, in German.]

TRANSLATION OF JUDGEMENT OF 5 DECEMBER 1997

18 Ns 112 Js 116737/96
Regarding: Criminal proceedings against Porter, Carlos
For "Popular Incitement" (or "Incitement of the Masses") [!] [?]
[Short excerpts only]

…[The defendant] stated that he had been unable to attend the main trial on 10 October 1997 due to "severe cranial injuries and concussion". With regard to the other statements, reference is made to the letter of the defendant dated 5 November 1997, which was translated.

[This means: the letter of 7 November will be ignored.]

[…etc., etc., blah, blah, blah.]

…The mere assertion of severe cranial injuries and concussion is insufficient to constitute justified failure to appear because there is no indication of the date [!!!]. In addition, the claim was not substantiated [!]. The doctor's certificate mentioned by the accused in his letter of 5 November 1997, was not presented [!]. Nor was this failure made good in the letter of the defendant dated 7 November 1997 in which the accused stated that he had recovered from his cranial injuries [!]. Furthermore, the accused, in his letter to the court dated 1 September 1997, had [already] stated at length that he would refuse to appear. [OK; so why bother with the trial?]

[…etc., etc., blah, blah, blah.]

Kunert
Presiding Judge Regional Court
[certified true copy, etc., etc.]

[The defendant was then given one week in which to protest the rejection of his defence of justified absence due to pedal-driven brain-bashing-machine-induced injuries.]

…The objection must be in German.

* * *

OBJECTION

[by fax on 5 January 1998]
[address, references, etc.]

Judge Kunert,

It is my duty to inform you that in disputing or denying the credibility of my cranial injuries caused by the pedal-driven brain-bashing machine described in the Nuremberg Trial transcript [IMT VII 377 [416-417] you injure my dignity as a human being, causing me serious psychic disturbances and emotional anguish. I feel humiliated and insulted. You will be hearing from my lawyer about this. I also suffered severe radiation burns on 9 October 1997 while handling the German World War II atomic bomb described in the Nuremberg trial transcript [IMT XVI 529-530 [580]] and am still radioactive.

Carlos W. Porter

[THE GERMAN ORIGINAL: Es ist mein Pflicht, Ihnen mitzuteilen, dass, indem Sie die Glaubwürdigkeit meiner durch die in dem Nürnbergerprozeß beschriebenen (IMT VII 377 [416-417]) Pedal-angetriebene Gehirnzertrümmerungsmachine verursachten Kopfverletzungen anzweifeln bzw leugnen, Sie mich in meiner Menchenwürde verletzen, was mir ganz schwere psychische und Gefühlsleiden verursachen muß. Ich fühle mich herabwürdigt und beleidigt. Sie werden von meinem Rechtsanwalt hören. Im übrigens, würde ich am 9. Oktober schwer verbrannt durch Ausstrahlungen von deutschen Atomwaffen aus dem Zweiten Weltkrieg [IMT XVI 529-530 [580]) und bin immer noch radioactiv.]

PART X
HOLOCAUST MUSEUM OF STUPIDITY MOVES TO NEW LOCATION: STATE COURT OF APPEALS OF MUNICH [OBERLANDESGERICHT MÜNCHEN]

What would happen in an American criminal court if you asked for a new trial date on the grounds that you had previously been unable to appear due to radiation burns suffered while experimenting with an atomic bomb? If you were on trial for murder, a psychiatric examination would most certainly be ordered. In any other case, the result would be a severe reprimand: "Objection denied on grounds of obvious frivolity; any further undue levity on the part of the defendant will be severely punished".

Not so in Germany. The weakness of the so-called Holocaust is that it is a fundamentalist religion, not a jot or tittle of which may be taken away. Every aspect of it must be defended with deadly seriousness, no matter how absurd or insane. The defendant was indicted, in part, for denying the existence of the "steam chambers" at Treblinka. He said, OK, so get me a steam chamber and bring it to court.

Objection ignored. All legal arguments, all demands for evidence or clarification of the charges against him were simply ignored. The court continually insisted that it would accept only the defence of inability to appear on the grounds of injury, accident, etc.

Goaded beyond endurance, the defendant then claimed inability to appear due to cranial injuries caused by the pedal-driven brain-bashing machine at Sachsenhausen, as described during the Nuremberg Trial.

Objection denied: date of injury not stated. [!]

He was given one week in which to object. He then claimed to have suffered "radiation burns" on 9 October 1997 while experimenting with the German WWII atomic bomb used in a "secret experiment" at Auschwitz and described during the Nuremberg Trial by Robert Jackson [!]. This objection was taken seriously [!!!] by the State Court of Appeals of Munich, which stated, in a unanimous opinion written by a panel of three judges [!!!]:

Objection denied: received late. [!!!]

The reason (or excuse) for this was that the postman left a notice of registered delivery with return receipt in the defendant's mail box on 22 December 1997. The defendant did not actually sign for delivery, or receive the judgement, until New Year's Eve [!]. The return receipt was therefore dated 31 December 1997, as the court very well knows, and as the defendant can easily prove.

He was given one week to object "from date of delivery" [!]. He objected by fax on 5 January 1998, as he can easily prove, by production of his itemised telephone bill. The State Court of Appeals, with mock seriousness, also got the date of the objection wrong, which is given twice as 2 January. Presumably this was done to make it more difficult to prove willful falsehood as to the date of delivery. The delivery date of 22 December 1997 is mentioned 3 times. The text contains no mention of pedal-driven brain-bashing machines, atomic bombs, or the defendant's claim to be "still radioactive". It is obvious that, while the judges may be willing to perjure themselves as to the delivery date, they are reluctant to make themselves look ridiculous.

The decision was written in German.

* * *

Certified True Copy
OBERLANDESGERICHT MÜNCHEN
Nymphengergerstrasse 16,
80097 München 2 Ws 98/98 18 Ns 112 Js 11637/96 StA b.d.
LG München I III BerL 117/98 StA b.d.
OLG München

DECISION

The 2nd Panel of Criminal Judges of the State Court of Appeals of Munich [blah, blah, blah] after consultation with the State Prosecutor, hereby REJECTS defendant PORTER's immediate objection, [etc. etc. blah, blah, blah] objection REJECTED with imposition of costs [blah, blah].

The 18th Chamber [blah, blah] REJECTED the defendant's appeal in a decision dated 10 October 1997 [blah, blah]. This decision was delivered to the defendant at his address in Belgium on 22 December 1997. The decision and information as to legal remedies were translated into English. The defendant's immediate objection was received on 2 January 1998, it was written in German [!]. The immediate objection is inadmissible, because it was received late [!!!].

[Blah, blah, blah.] Delivery on 22 December 1997 was therefore effective [blah, blah]. The one-week objection period therefore began to run on 22 December 1997 [blah, blah]. Receipt of the immediate objection on 2 January 1998 [!] was therefore late [!]. The legal remedy is to be rejected as inadmissible. [Decision as to costs, etc. etc. blah, blah, blah].

Dr. Glück,
Mallwitz
Sole Presiding Judge
Judges of the State Court of Appeals
[Certified True Copy, etc.]
Münich, 10.02.1998

* * *

Meanwhile, back at the ranch, on 2 February 1998, the publisher of the German translation of NOT GUILTY AT NUREMBERG received the following letter by registered mail with return receipt:

[LETTERHEAD]: THE CHAIRWOMAN [Vorsitzende, female]
BPJS
Federal Examination Centre for Texts Dangerous to Youth [!]
Post office box 26 01 21
53153 Bonn
To: NINETEEN-EIGHTY-FOUR PRESS [a name most aptly chosen, it would seem to appear] [address, etc.]

Registered Mail with Return Receipt Bonn, 19 January 1998 [note dates – it took 13 days to arrive]
Pr. 208/97-I/AK
For information to: The Federal Ministry for Family, the Elderly, Women, and Youth
Rochusstrasse 8-10 53123 Bonn
Application of 13.08.1997
File no.: 415-2434-I/204
Regarding: Brochure of Carlos Whitlock Porter "Nicht Schuldig in Nürnberg".
Enclosure: Application for indexation from the BMFSFJ
[They are too stupid to realise that it was already prohibited a year ago; what do Germans pay taxes for?]

Dear Sirs,

The application is to be decided in the simplified procedure according to Section 15a of GjS. The address of the author is not known at this office. It is left to your discretion to send him a copy of this letter upon request. You may, however, notify us of his address as well, so that delivery may be made immediately (Section 12 of GjS, Section 4, Paragraph 1, Sentence 1 of DVO GjS).

You [i.e., the publisher] are being given an opportunity of notifying us, within ONE WEEK of delivery of the present notice, whether or not you have any objections to the present application and to the processing of the same in a simplified procedure. [!]

Faithfully,
Monssen-Engberding Ltd.
Reg.Direktorin [female director]
Kennedy Allee 105-107
53175 Bonn
Telephone (0228) 37 66 31
Fax: 37 9014 ------
[Enclosure] FEDERAL MINISTRY FOR FAMILY, THE ELDERLY, WOMEN, AND YOUTH
Ref.: (please mention in all correspondence): 415-2434-1/204
[address again, blah, blah, blah]
Telephone: (0228) 930-2756 Or 930-0 [sic]
Fax: (0228) 930-930-2221
Bonn, 13.08.1997
Processing: Dr. Scholtz [Doktorin, another idiot female]
Federal Examination Centre for Writings Dangerous to Youth
Kennedy Allee 105-107
53175 Bonn
[stamp: Federal Office, etc. blah, blah blah, received 18 August 1997]

APPLICATION FOR INDEXATION

[Note that they are actually shameless enough to borrow the term "Index" from the medieval inquisitors! – C.P.]

The application is hereby made to index the brochure "Nicht Schuldig in Nürnberg" by Carlos Whitlock Porter according to Section 1, Paragraph 1, Sentence 1 of the Law on the Dissemination of Writings and Media Content [sic] Dangerous to Youth. [!] [It must be

pure coincidence that Germany produces the filthiest pornography in Europe, falling behind the Dutch in child pornography only.]

Reason: The mere title of the text mentioned above gives rise to the conclusion that its content is likely to disorient children and young people. [!] PORTER's brochure is a revisionist publication in the broadest sense of the word, but nevertheless contains a few passages denying the Holocaust. The intent of the text is, first of all, to slander the International Military Tribunal [!] from a one-sided point of view [!] and to rehabilitate the condemned war criminals. Germany is thus to be discharged from its responsibility.

A general attempt is made, through the alleged innocence of the chief defendants, to prove that there was no extermination of the European Jews. The well-known Holocaust denier Robert FAURISSON receives positive mention (see p. 36) to this end, among other things. The meaning and intent of this text is, therefore, partially, to discredit the Military Tribunal [!], and, secondarily, to deny the Holocaust. The author attempts to suggest to the reader that no crimes of the kind imputed to the defendants took place in Germany between 1939 and 1995 [sic]. The points of the indictment against the defendants are attributed solely to falsification on the part of the Allies. PORTER continually presents the criminals indicted at Nuremberg as the real victims, who were in no way guilty.

[This is not quite true. The introduction clearly states: "This book contains a great many references to page numbers. They are not there… to prove the truth of the matter stated [!], but to help interested people find things." The author makes no pretence of knowing the exact location of the *Gneisenau* on 1 September 1939, for example, or whether it carried any ammunition supplies; that is for others to verify. – C.P.]

An attempt is made to suggest levels of scientific research which the text in no way reflects. To shore up the credibility of his statements, the author gives the references to the Nuremberg trial transcript at all times. The sources and quotations used by him are given unsystematically and taken out of context [i.e., they are defence statements instead of statements of the prosecution. – C.P.]

He is not successful in creating a connection to the arguments intended by him. [OK, so where do YOU say the *Gneisenau* was on 1 September 1939? – C.P.] It is remarkable that the author neither quotes correctly, nor gives correct references.

[None of the author's mistakes are cited against him as examples; perhaps they have gotten the human soap "recipe", USSR-196, mixed up with the human soap "exhibit", i.e., the soap itself, USS-

393, and think that the latter is a “mistake”. – C.P.]

Media with similar content have already been indexed by the Federal Examination Centre. [The author is waiting for a hole to be bored in his tongue with a red-hot iron. – C.P.]

With relation to the above mentioned brochure, we are asking you to examine whether or not there is an identity, or identity of content, between this text, and texts which have already been indexed, or texts for which an application has been made for listing. [In other words, whether the same thing may also have been published under some other name! – C.P.]

Upon behalf of. Dr. Scholz [Inquisitrix]

PART XI
FINAL STATEMENT TO THE COURT

Geschäftsstelle des Oberlandesgerichts München
Justizgebäude
Nymphenberger Strasse 16 80097
München
Aktenzeichen: 2 Ws 98/98 Beschluß von 3.2.98 Datiert: 10.02.1998 –
2 Ws 98/98 18 Ns 112 Js 11637/96 StA b.d.
LG München I III BerL 117/98 StA.b.d.
OLG München Richtern: Dr. Glück Mallwitz Seul
16 March 1998

BY FAX

FINAL STATEMENT TO THE COURT

May It Please the Court:

In civilized countries it is the custom to allow a defendant to make a final statement to the court prior to sentencing.

The Nuremberg Trial transcript is 14,638 pages long in German alone, much of it in small print. I have read this material, and evidently you have not. I have provided approximately 1,000 exact references to both the American and German transcripts.

The pagination and format are not the same; it can be almost impossible to find certain things in the German, even if you know where it is in the English, and vice-versa. I have also read the British transcript, which is much shorter. There are many discrepancies. All references were completely revised and corrected prior to printing; all page numbers are given twice, according to the German and American transcripts.

I defy you, or anyone else, to find one single error in any of the references quoted in NICHT SCHULDIG IN NÜRNBERG.

I refuse to be dictated to by people who have not read this material, and who have no idea what it contains.

I refuse to be deprived of a basic right which belongs to everyone else in the world as a matter of course: the right to freedom of speech and freedom of the press.

I retract nothing. I regret nothing. I fear nothing.

I stand by the contents of my letters to the court dated 7 January, 10 March, 1 July, 1 September, 5 September, and 7 November 1997.

I stand by the contents of my letter to Christian Ude.

If you fine me, I will not pay it. If you put me in prison, I will go on hunger strike like Bobby Sands.

I defy your authority and I refuse to comply with any order to do anything.

I am not afraid of you; I fear the future if I do nothing. That is all.

Faithfully,
Carlos W. Porter

FINAL DISPOSITION OF CASE

On April Fool's Day 1998, after 17 months of proceedings before 4 courts and a total of 7 judges, beginning with my appearance before an examining magistrate in Verviers, Belgium, on 4 November 1996 in answer to "international letters rogatory" (a procedure normally used in the pursuit of international car theft rings, etc.), I (hereinafter referred to as "the Defendant") was convicted of "Popular Incitement" (or "Incitement of the Masses") [!] [?] in Munich, Germany, and fined an odd sum of money (probably the most they thought they could collect in view of the fact that the Defendant was self-employed and the father of 4 children) ending in 20 pfennigs.

Intrigued by the date of my final conviction, and in an effort to determine whether or not the Germans are really as stupid as they would very often seem to appear, I sent the Munich State Prosecutor's Office a 10 pfennig-piece Scotch-taped to my *Final Statement to the Court* (in which, for the third or fourth time, I refused to pay anything), asking them to deduct 10 pfennigs from the amount owing and send me a receipt for it. They did. I haven't heard from them since.

They spent a fortune prosecuting me, including mountains of certified translation work, German into French, French into German, German into English, English into German, wasting 17 months of their time, then they sent me a receipt for 10 pfennigs. And we wonder why our countries are broke.

Finis Germaniae.

[Note: In the interests of historical accuracy, it should perhaps be noted that what the defendant calls a "receipt" was, in reality, an exact duplicate of the demand for payment, accompanied by copious and dire threats, which they had already sent him about 10 days before, but deducting 10 pfennigs! The German authorities are required by law to acknowledge all part payments, so, like all other correspondence in the case, it was sent by registered mail with return receipt. The stamp on the envelope, if the defendant's recollection is correct, was DM 6.50. So it cost the German taxpayers DM 6.50 to send what amounted to a "receipt" for 10 pfennigs.]

ANNEX I:
GRAPHICS, GERMANY V. PORTER

(See next page)

CERTIFIED TRANSLATION OF A GERMAN DOCUMENT INTO ENGLISH

- Exemplified Copy -

REGIONAL COURT OF MUNICH I
House address: Nymphenburger Str. 16, 80335 Munich
Postal address: Regional Court of Munich I,
80097 Munich
Telephone: 5597-4581 Telefax: 5597-4354

File reference: 18 Ns 112 Js 11637/96

December 5, 1997

Re: Criminal proceedings against P o r t e r Carlos
for stirring up hatred against national groups
here: Restitutio in integrum against the
failure to observe the date of the
appeal trial on October 10, 1997

C O U R T O R D E R

I.
rendered by the 18. Criminal Division of the
Regional Court of Munich I:

1. The motion of the accused Carlos Porter of November 5, 1997, to grant him restitutio in integrum against his failure to observe the date of the appeal trial on October 10, 1997, shall be dismissed.

2. The accused shall bear the costs of the restitutio in integrum proceedings including his own necessary expenses resulting therefrom.

R E A S O N S:

I.

The appeal of the accused Carlos Porter against the judgment rendered by the Local Court (Amtsgericht) of Munich, dated March 25, 1997, was dismissed by means of a judgment rendered by the 18. Criminal Division of the Landgericht (Regional Court) of Munich I, dated October 10, 1997, pursuant to section 329 paragraph 1 sentence 1 of the StPO (German abbreviation for German Code of Criminal Procedure), whereby the costs of these proceedings were imposed upon the accused. The accused raised objections against this judgment which had been served upon him by means of registered mail including return receipt on November 4, 1997. By doing so, he submitted a letter to the court, dated November 5,

1997, which was received by the Regional Court of Munich I via fax on November 6, 1997. In this letter he explained that it had been impossible for him to attend the court hearing which had been fixed to take place on October 10, 1997, as he had been suffering from "severe cranial injuries and concussion". As for the rest, it is referred to the letter of the accused, dated November 5, 1997, which is translated.

II.

The letter of the accused, dated November 5, 1997, has to be deemed to be a motion to grant restitutio in integrum against the failure to observe the date for the appeal trial. As he stated that he had been unable to appear for trial due to his injury.

The motion is not founded.

Pursuant to section 329 paragraph 3, 44 sentence 1 of the StPO (German abbriviation for German Code of Criminal Procedure) the restitutio in integrum for the failure to observe the date for the appeal trial can only be granted to the accused, if it was not the accused person's fault that he failed to observe the date for the trial. Therefore, the accused person's motion for restitutio in integrum can only be successful, if he submits credible facts and circumstances to the court due to which it is proven that the accused person's failure to attend the court hearing was not based on his own fault. In any other case such restitutio in integrum would be excluded anyway. It is necessary to provide a detailed description of all the facts and circumstances which might be relevant for the clarification how and, if need be, based on

which circumstances his failure to observe the date for the appeal trial was caused. The motion has to provide sufficient facts and reasons due to which it can be concluded that it was not the applicant's fault that he failed to observe the date for the court hearing (see Löwe-Rosenberg, StPO = German abbreviation for German Code of Criminal Procedure, 24th edition, marginal note 13 referring to section 45). The exact describtion of such circumstances which led to the failure to observe the date for the appeal trial and which is necessary in order to be granted the retitutio in integrum has to be submitted within a period of one week stated under section 329 paragraph 3, 45 paragraph 2 of the StPO (German abbreviation for German Code of Criminal Procedure). After expiry of this period such information can only be supplemented or better clarified.

The accused failed to fulfil his duty to render a detailed description within the set period of one week which started to run on November 4, 1997, after the legal service of the judgment, dated October 10, 1997 had been effected.

The mere reference to suffer from severe cranial injuries and concussion is not sufficient in order to provide sufficient reasons justifying his failure to observe the date. Moreover, there is no information as to any time provided. Apart from that, this cause has never been made credible. The medical report which the accused referred to in his letter, dated November 5, 1997, has never been submitted. It was also not submitted subsequently in his letter, dated November 7, 1997, in which he informed the court that he would have recovered from his cranial injuries. As for the rest, the accused mentioned in the letter, dated September 1, 1997, he had sent to the court that he would refuse to attend any court hearing anyway.

The decision as to the costs is based on section 473 paragraph 7 of the StPO (German abbreviation for German Code of Criminal Procedure).

Kunert
acting in his capacity as Presiding Judge at the Regional Court (Landgericht)

The conformity of this exemplified copy with the original document is hereby certified.
Munich, December 8, 1997

(illegible signature)
Birkenzeller
Court Employee
acting in her capacity as Records' Clerk to the Court Office

(Official Seal: Regional Court of Munich I, Bavaria)

Instructions about the right to raise objection

You have the possibility to raise objection against this court order by means of an **immediate appeal**. This appeal shall be lodged **within a period of one week**.The period starts to run as soon as the decision has been made public, which means that it starts to run either as soon as the decision is announced in your presence, or as soon as this decision has been served upon you.

You can lodge this objection either **in writing** to the court which is designated below or **you can have it recorded by the Records'Clerk of the Court Office**. If you are held in detention, you can have this objections also recorded by the Records'Clerk of the respective Court Office of the Local Court (Amtsgericht), having jurisdiction for the penal institution in which you are held.

You can only raise objection against the obligation to bear the costs or any necessary expenses, if the value of the subject of the objection exceeds the amount of DM 200,00. Referring to any other decisions as to any costs or necessary expenses, you can only raise objection, if the value of the subject of the objection exceeds the amount of DM 100,00.

In case of any written declaration it is not sufficient for observing the set period, if the declaration is posted within such period. The period shall only be deemed to have been observed, however, if the declaration is received by the court before expiry of the set period.

The lodging of the appeal in writing has to be made in the German language.

Regional Court of Munich I
Nymphenburger Straße 16
80097 Munich
Telephone: (089) 5597-03

StP 131: Legal information as to the right of raising objection in case of an immediate appeal (section 304, 311 of the StPO = German abbreviation for German Code of Criminal Procedure)

LG I (German abbreviation for Regional Court I)
no. 3919

IN MY CAPACITY AS SWORN TRANSLATOR FOR THE ENGLISH LANGUAGE, PUBLICLY APPOINTED BY THE PRESIDENT OF THE LANDGERICHT (REGIONAL COURT) OF MUNICH I, I HEREBY CONFIRM: THE ABOVE TRANSLATION OF THE EXEMPLIFIED DOCUMENT COPY, PRESENTED TO ME IN THE GERMAN LANGUAGE, IS TRUE AND CORRECT.

D-81375 MUNICH, THIS 15th DAY OF DECEMBER 1997

DANIELA KOPECKY-WOLF

ALS VOM PRÄSIDENTEN DES LANDGERICHTS MÜNCHEN I ÖFFENTLICH BESTELLTE UND ALLGEMEIN BEEIDIGTE ÜBERSETZERIN FÜR DIE ENGLISCHE SPRACHE BESTÄTIGE ICH HIERMIT: VORSTEHENDE ÜBERSETZUNG DER MIR IN AUSFERTIGUNG VORGELEGTEN, IN DEUTSCHER SPRACHE ABGEFAßTEN URKUNDE IST RICHTIG UND VOLLSTÄNDIG.

81375 MÜNCHEN, DEN 15. DEZEMBER 1997

DANIELA KOPECKY-WOLF

Ausfertigung

Landgericht München I
Hausanschrift: Nymphenburger Str. 16, 80335 München
Postanschrift: Landgericht München I, 80097 München
Tel.: 5597-4581 FAX: 5597-4354

1

18 Ns 112 Js 11637/96

-5. Dez. 1997

Betreff: Strafverfahren gegen P o r t e r Carlos
wegen Volksverhetzung
hier: Wiedereinsetzung in den vorigen Stand
gegen die Versäumung der Berufungshaupt-
verhandlung vom 10.10.1997

I.

BESCHLUSS

der 18. Strafkammer des Landgerichts München I:

1. Der Antrag des Angeklagten Carlos Porter vom 05.11.1997, ihm Wiedereinsetzung in den vorigen Stand gegen die Versäumung der Berufungshauptverhandlung vom 10.10.1997 zu gewähren, wird verworfen.

2. Der Angeklagte trägt die Kosten des Wiedereinsetzungsverfahrens einschließlich seiner insoweit entstandenen notwendigen Auslagen.

GRÜNDE:

I.

Die Berufung des Angeklagten Carlos Porter gegen das Urteil des Amtsgerichts München vom 25.03.1997 wurde durch Urteil der 18. Strafkammer des Landgerichts München I vom 10.10.1997 gemäß § 329 Abs. 1 Satz 1 StPO kostenpflichtig verworfen. Gegen dieses ihm am 04.11.1997 durch Einschreiben/Rückschein zugestellte Urteil wendet sich der Ange-

klagte mit seinem Schreiben vom 05.11.1997, welches per Fax beim Landgericht München I am 06.11.1997 einging. Er führt darin aus, daß es ihm unmöglich gewesen sei, zu der auf den 10.10.1997 anberaumten Hauptverhandlung aufgrund von "erheblichen Schädelverletzungen und einer Gehirnerschütterung" zu erscheinen. Wegen der weiteren Ausführungen wird auf das Schreiben des Angeklagten vom 05.11.1997, welches übersetzt wurde, Bezug genommen.

II.

Das Schreiben des Angeklagten vom 05.11.1997 ist als Antrag auf Wiedereinsetzung in den vorigen Stand gegen die Versäumung des Hauptverhandlungstermins auszulegen. Denn er führt aus, wegen einer Verletzung verhindert gewesen zu sein, zum Termin zu erscheinen.

Der Antrag ist nicht begründet.

Wiedereinsetzung in den vorigen Stand wegen Versäumung der Berufungshauptverhandlung kann gemäß §§ 329 Abs. 3, 44 Satz 1 StPO nur dem Angeklagten gewährt werden, der ohne Verschulden gehindert war, den Termin wahrzunehmen. Erfolg kann der Antragsteller mit seinem Wiedereinsetzungsgesuch danach nur haben, wenn von ihm ein Sachverhalt dargetan und glaubhaft gemacht wird, der ein der Wiedereinsetzung entgegenstehendes eigenes Verschulden ausschließt. Erforderlich ist eine genaue Darstellung der Umstände, die für die Frage

bedeutsam sind, wie und gegebenenfalls durch welche Umstände es zu der Versäumung der Berufungshauptverhandlung gekommen ist. Der Antrag muß unter Angabe von Tatsachen so vollständig begründet werden, daß ihm die unverschuldete Verhinderung des Antragstellers entnommen werden kann (vgl. Löwe-Rosenberg, StPO, 24. Auflage, RdNr. 13 zu § 45). Die insoweit erforderliche genaue Darstellung der Umstände, die zu der Versäumung der Berufungshauptverhandlung geführt haben, ist binnen der Wochenfrist der §§ 329 Abs. 3, 45 Abs. 2 StPO zu geben. Nach Ablauf der Frist können diese Angaben allenfalls noch ergänzt oder verdeutlicht werden .

Dieser umfassenden Darlegungspflicht ist der Angeklagte innerhalb der mit der Zustellung des Urteils vom 10.10.1997 am 04.11.1997 in Lauf gesetzten Wochenfrist nicht gerecht geworden.

Allein der Hinweis auf erhebliche Schädelverletzungen und auf eine Gehirnerschütterung reicht nicht aus, einen Entschuldigungsgrund nachvollziehbar darzulegen. Denn es fehlt die Angabe des Zeitpunkts. Dazu kommt, daß dieser Grund nicht glaubhaft gemacht wurde. Das ärztliche Attest, von dem der Angeklagte in seinem Schreiben vom 05.11.1997 spricht, wurde nicht vorgelegt. Dies wurde auch nicht mit seinem Schreiben vom 07.11.1997 nachgeholt, in dem er mitteilte, daß er von den Schädelverletzungen wieder genesen sei. Im übrigen hatte der Angeklagte in seinem Schreiben vom 01.09.1997 an das Gericht sich dahingehend geäußert, daß er sich weigere, zum Termin zu erscheinen.

Die Kostenentscheidung beruht auf § 473 Abs. 7 StPO.

Kunert
Vorsitzender Richter
am Landgericht

Der Gleichlaut der Ausfertigung
mit der Urschrift wird bestätigt.
München, den 08.12.1997
Birkenzeller
Justizangestellte
als Urkundsbeamtin d. Gesch.St.

ANNEX II:
OFFICIAL IMT RECORD OF PEDAL-DRIVEN BRAIN-BASHING MACHINE – CAUSE OF DEFENDANT'S "SEVERE CRANIAL INJURIES", RENDERING HIM UNABLE TO APPEAR

(See next page)

It is further said that a particularly terrible regime existed for those included in the category of recalcitrants. They were put into a special building, named the death block. The inmates of this block were shot on schedule, five to six persons being taken to execution every Tuesday and Friday. The German physician Kuper was one of those present at the shootings. Academician Burdenko established that in the so-called hospital people were exterminated in the same manner as in the rest of the camp.

In the penultimate paragraph, on Page 3, we read—members of the Tribunal will find this passage on Page 73 of the document book:

"The scenes which I had to witness defy all imagination. My joy at the sight of the liberated people was marred by the fact that their faces bore an expression of utter stupor. This made me think, 'What is the matter here?' Evidently the sufferings they had undergone erased from their minds all distinction between life and death.

"I observed these people for 3 days and bandaged their wounds while moving them from the camp, but the mental stupor remained. Something similar could also be seen on the faces of the doctors during the first few days.

"People perished in the camp from disease, starvation, and floggings. In the so-called 'hospital' prison they died of wound-infection, sepsis, and starvation."

On the 2d day of May 1945, there was captured in Berlin a member of the SS, Paul Ludwig Gottlieb Waldmann. The son of a shopkeeper, Ludwig Waldmann, he was born in Berlin on 17 October 1914. From information received, his mother, up to the time of his capture, was living in the city of Brunswick, Donnerburweg 60.

He testified personally to facts known to him regarding the mass extermination of Soviet prisoners of war. He witnessed these exterminations while working as a driver in different camps and himself participated in the mass killings. His testimony is on Page 9 of Exhibit Number USSR-52 (Document Number USSR-52), entitled, "Camp Auschwitz." He provides more detailed information on the murders in the camp at Sachsenhausen.

Towards the end of summer 1941, the Sonderkommando of the Security Police in this camp exterminated Russian prisoners of war daily for a whole month. Paul Ludwig Gottlieb Waldmann testified—you will find the excerpt I am quoting on Page 82—that:

"The Russian prisoners of war had to walk about one kilometer from the station to the camp. In the camp they stayed one night without food. The next night they were led away for execution. The prisoners were constantly being transferred from the inner camp on three trucks, one of which was

driven by me. The inner camp was approximately one and three-quarters of a kilometer from the execution grounds. The execution itself took place in the barracks which had recently been constructed for this purpose.

"One room was reserved for undressing and another for waiting; in one of them a radio played rather loudly. It was done purposely so that the prisoners could not guess that death awaited them. From the second room they went, one by one, through a passage into a small fenced-in room with an iron grid let into the floor. Under the grid was a drain. As soon as a prisoner of war was killed, the corpse was carried out by two German prisoners while the blood was washed off the grid.

"In this small room there was a slot in the wall, approximately 50 centimeters in length. The prisoner of war stood with the back of his head against the slot and a sniper shot at him from behind the slot. In practice this arrangement did not prove satisfactory, since the sniper often missed the prisoner. After 8 days a new arrangement was made. The prisoner, as before, was placed against the wall; an iron plate was then slowly lowered onto his head. The prisoner was under the impression that he was being measured for height. The iron plate contained a ramrod which shot out suddenly and poleaxed the prisoner with a blow on the back of the head. He dropped dead. The iron plate was operated by a foot lever in a corner of the room. The personnel working in the room belonged to the above-mentioned Sonderkommando.

"By request of the execution squad, I was also forced to work this apparatus. I shall refer to the subject later. The bodies of prisoners thus murdered were burned in four mobile crematories transported in trailers and attached to motor cars. I had to ride constantly from the inner camp to the execution yard. I had to make 10 trips a night with 10 minutes' interval between trips. It was during these intervals that I witnessed the executions...."

It is a long way from these individual murders to the death factories of Treblinka, Dachau, and Auschwitz, but the tendency, the line of action are identical. Methods and extent of the killings varied. The Hitlerites endeavored to discover ways and means for the rapid mass extermination of human beings. They spent much time on the solution of this problem. To realize their ambition they began to work on the solution even prior to their attack on the Soviet Union by inventing different implements and instruments of murder, while peaceful inhabitants and prisoners of war alike ended up as victims of Hitler's executioners.

IMT VII – 377

ANNEX III:
OFFICIAL IMT RECORD OF GERMAN WWII ATOMIC BOMB USED IN "SECRET EXPERIMENT" AT AUSCHWITZ – CAUSE OF DEFENDANT'S "SEVERE RADIATION BURNS", RENDERING HIM UNABLE TO APPEAR

(See next page)

high temperature? When it was exploded it created exceedingly high temperature, so that there could be no defense against it?

SPEER: No, that is an error. Actually, ordinary gas evaporates at normal atmospheric temperature. This gas would not evaporate until very high temperatures were reached and such very high temperatures could only be produced by an explosion; in other words, when the explosives detonated, a very high temperature set in, as you know, and then the gas evaporated. The solid substance turned into gas, but the effects had nothing to do with the high temperature.

MR. JUSTICE JACKSON: Experiments were carried out with this gas, were they not, to your knowledge?

SPEER: That I can tell you. Experiments must certainly have been carried out with it.

MR. JUSTICE JACKSON: Who was in charge of the experimentations with the gases?

SPEER: As far as I know it was the research and development department of the OKH in the Army ordnance office. I cannot tell you for certain.

MR. JUSTICE JACKSON: And certain experiments were also conducted and certain researches conducted in atomic energy, were they not?

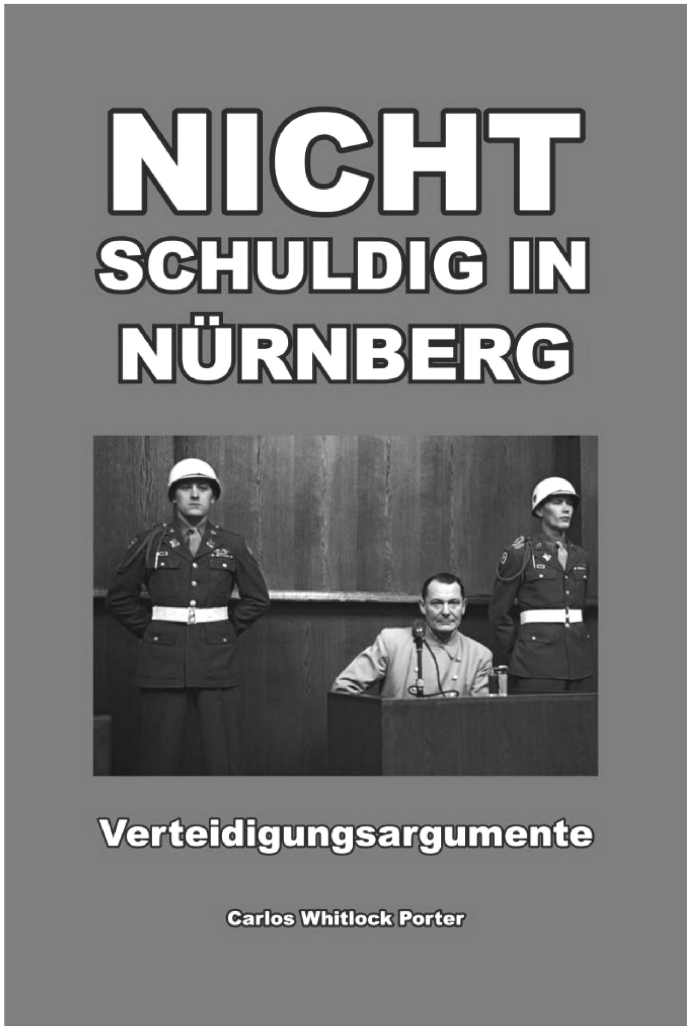
SPEER: We had not got as far as that, unfortunately, because the finest experts we had in atomic research had emigrated to America, and this had thrown us back a great deal in our research, so that we still needed another year or two in order to achieve any results in the splitting of the atom.

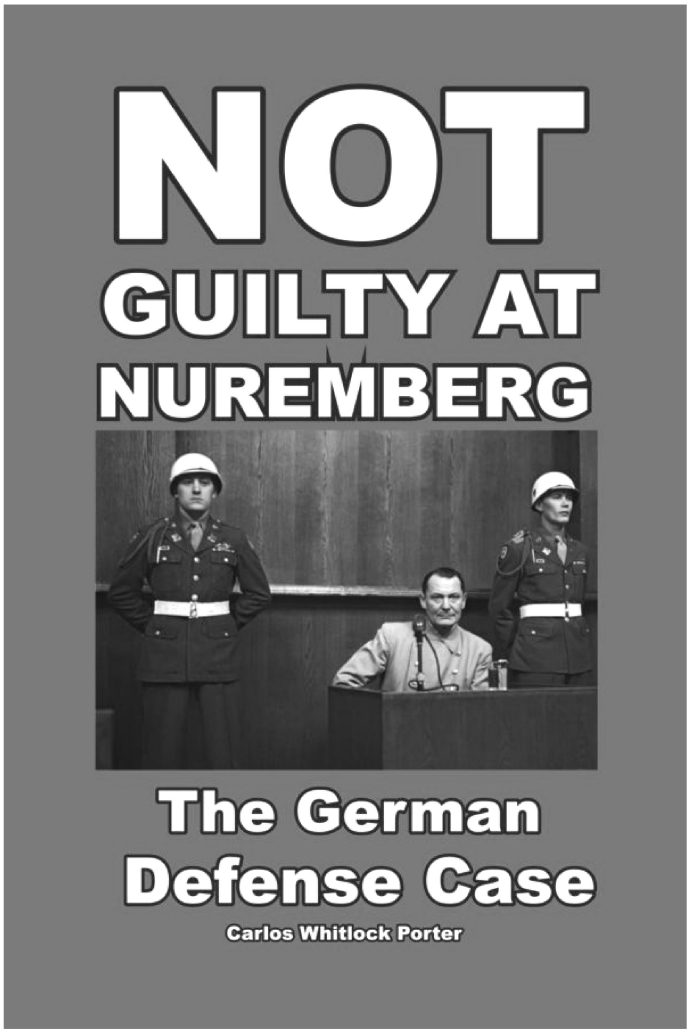
MR. JUSTICE JACKSON: The policy of driving people out who didn't agree with Germany hadn't produced very good dividends, had it?

SPEER: Especially in this sphere it was a great disadvantage to us.

MR. JUSTICE JACKSON: Now, I have certain information, which was placed in my hands, of an experiment which was carried out near Auschwitz and I would like to ask you if you heard about it or knew about it. The purpose of the experiment was to find a quick and complete way of destroying people without the delay and trouble of shooting and gassing and burning, as it had been carried out, and this is the experiment, as I am advised. A village, a small village was provisionally erected, with temporary structures, and in it approximately 20,000 Jews were put. By means of this newly invented weapon of destruction, these 20,000 people were eradicated almost instantaneously, and in such a way that there was no trace

ANNEX IV:
COVERS OF THE AUTHOR'S BOOKS




NOT
GUILTY AT
NUREMBERG
The German
Defense Case
Carlos Whitlock Porter

MADE IN RUSSIA:

THE HOLOCAUST

3rd revised edition, 2013

Compiled by Carlos Whitlock Porter

WAR CRIMES TRIALS

AND OTHER ESSAYS

Carlos Whitlock Porter

S&B